

IV. REMARKS

Claims 1 and 5-22 are pending in the present application. Claims 2-4 were previously cancelled. Claims 1 and 4-9 were previously withdrawn. By this Amendment, claims 10-22 have been amended. No new matter is believed added.

In the Office Action, the information disclosure statement filed 10/21/2004 was objected to for allegedly failing to comply with 37 CFRs 1.98(a)(2) and 1.98(a)(3). Applicants respond that corrections to the information disclosure statements are forthcoming.

The Abstract of Disclosure is objected to. In response, Applicants have corrected the Abstract and accordingly request withdrawal of the objection.

Claim 10 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sakurai (U.S. Patent No. 4,965,532), hereafter “Sakurai”, in view of Buice *et al.* (U.S. Patent No. 5,595,330), hereafter “Buice”, and further in view of Morales Serrano *et al.* (U.S. Patent No. 6,396,192), hereafter “Morales”. Claims 11-22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sakurai in view of Buice, in further view of Morales and in further view of Katsuragawa (U.S. Patent No. 5,661,359), hereafter “Katsuragawa”. These rejections are defective because the cited references, taken alone or in any combination, fail to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a).

With respect to independent claim 10, Applicants submit that the cited art of Sakurai, Buice, and Morales, taken alone, or in combination, fails to disclose each and every feature of the claimed invention, including a “an adjustable time-delay element [] by which the phase angle between the voltage applied to the motor and the motor current is changed in start-up operation from an initially large starting angle towards a smaller angle at an operating point.” (See claim 10.)

In response, Applicants respectfully contend that even *assuming arguendo* that it is obvious to combine Sakurai, Buice and Morales together, the combination still does not teach or suggest each and every element of claim 10, as is required under 35 USC 103. The Office admits that neither Sakurai, nor Buice, disclose the adjust time-delay element of the present invention. Office Action, page 4, item 9. As a result, the Office turns to Morales for disclosure of this element.

In the Office Action, the Office alleges that Morales teaches “an adjustable time-element (Fig 3, item 8), by which the phase angle between the voltage applied to the motor (item 13) and the motor current (item 4) is changed in start-up operation from an initially large starting angle towards a smaller angle at the operating point, so that start-up will be complete safely and reliably irrespective of the loading condition (column 4, lines 14-28).” Office Action, page 4, item 9. In fact, a careful reading of the cited section of Morales (i.e., col. 4, lines 14-28), and Morales in its entirety, clearly indicates that Morales is completely devoid of any teaching, or suggestion, of an adjustable time-delay element that, *inter alia*, changes the phase angle between the voltage applied to the motor and the motor current from start-up to a different angle at the operating point, as in claim 10. In fact, the cited section merely discloses a “delay element 8 [which] provides the desired offset from the phase zero crossing. This offset has proved to be the **operating point** for an optimum efficiency of the piezoelectric drive 1.” (emphasis added) (Col. 4, lines 25-28). The aforementioned statement in the specification of Morales, and Morales as a whole, clearly shows that Morales is only addressing an optimum operating point(s) and efficiency of a piezoelectric drive (*See e.g.*, Abstract), as compared with the starting process controller for **starting** a piezomotor in the present invention (emphasis added)(*See e.g.*, Title).

Accordingly, Applicant submits that Morales fails to disclose each and every element of claim 10, and respectfully requests withdrawal of the rejection. Further, both Sakurai and Buice do not remedy these glaring deficiencies in Morales.

With respect to dependent claims 11-22 Applicants submit that these claims are allowable based on their dependency from allowable independent claims. The dependent claims are also believed to be allowable based for their own additional features.

V. CONCLUSION

In light of the above remarks, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "J. J. Christian", followed by a horizontal line and a small flourish.

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